



Carlo Bertani /R10/USEPA/US

09/03/2009 05:20 PM

To sue@rhsmith.com

cc Rob Rau/R10/USEPA/US, Philip
Nenninger/R10/USEPA/US@EPA, Deborah
Hilsman/R10/USEPA/US@EPA, Peter

bcc

Subject Re: Toppenish

Hi Sue,

I talked with Dave from White Shield on Tuesday and he mentioned that Smitty's will be closing out the tanks, but did not specifically mention that the tanks will be pulled; although it is likely inevitable considering the levels of contamination and the physical size of the site. That being stated, it will likely be a necessity to remove the canopy in order to do any earth moving remediation, including removing the tanks and/or associated contamination.

In regards to your question about whether or not EPA will make you clean-up the site if you are or are not able to locate the source is a non-issue. There is a concentrated source at this site; however, we do not know whether or not it is still active. According to the helium isolation test that was performed, there still is an active source of petroleum contamination coming from the piping and tanks.

As I mentioned in our previous conversation, the distinction of a current vs. previous release on-site is strictly of importance for RH Distribution to be able to have an insurance company pay for the remediation, this does not change EPA's position on whether or not the site should be cleaned up. At this point, we are exploring our enforcement options, which include issuing a corrective action order to aid in expediting the remedial process. The bottom line is that EPA needs this site cleaned up. Smitty's Conoco, formerly Pik-a-Pop, has been an active LUST site since 2004 and little to no remediation has been completed.

Sincerely,
Carlo

Carlo Bertani, Environmental Scientist
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"

Carlo, I heard from Stuart Fricke that we notified...

09/02/2009 04:35:49 PM



"Sue Smith"

<sue@rhsmith.com>

09/02/2009 04:34 PM

Please respond to
sue@rhsmith.com

To Carlo Bertani/R10/USEPA/US@EPA

cc

Subject Toppenish

Carlo,

I heard from Stuart Fricke that we notified you that we are pulling the tanks. I still am not prepared to do that, mainly because to do so we would have to also tear down the canopy. What I would prefer is to expose the lines and tops of the tanks to see if that will give us some answers.

We figure pulling those tanks and the canopy would probably be about \$50,000. And then we have a useless canopy. At least this way we can keep covered parking for the store/business. If you are going to require that we clean it up whether we find the source or not, can't we leave the tanks in place, since there is a structure over them?

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106



"Sue Smith"
<sue@rhsmith.com>

08/31/2009 04:19 PM

Please respond to
sue@rhsmith.com

To Carlo Bertani/R10/USEPA/US@EPA

cc

bcc

Subject Re: Toppenish

History:

✉ This message has been forwarded.

Hi Carlo - we took samples from the 2 dispensers closest to the building (nearest wells 1 & 3). One of them is associated with the line leak and the place where the helium was detected at .02. We could not smell any gas in any of the soil brought from 2' below to 5' below. As for the question about our pollution coverage, we did have insurance then, but I had the same problem then as I do now, that is showing the source of the leak. I just talked to our claims adjuster and confirmed that they do not pay to investigate the source and, in fact, I can't even officially open a claim until I discover the source and give her documentation.

The good news is that we are shutting down the gas sales permanently. It should take 2 weeks or less to sell the remaining gas. Then we will blow back the lines and take off the dispensers. The wells will be sampled this week and I will let you know the results ASAP.

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106

From: Bertani.Carlo@epamail.epa.gov

To: sue@rhsmith.com

Sent: Fri, 28 Aug 2009 16:04:05 -0700

Subject: Re: Toppenish

Hi Sue,

Thanks for the update. Which dispensers were the samples collected under? Was this the dispenser that was found to have a small leak?

Also, I have a couple questions about your insurance dilemma:

- Did you originally have insurance in 2004 when the original contamination was discovered?
- If not, why do you feel that your current insurance company would cover the cost for the clean-up?

In regards to your question, "what now?": from my vantage point, the goal has not changed; EPA still wants the petroleum contamination on-site remediated. It would be nice if you could have your insurance

company front the bill for this remedial action, but if they will not, and you can't find a current source to provide evidence of an ongoing release to them; RH Distribution may be stuck with paying for the cost of the clean-up.

If you are still convinced that another party contributed to the contamination on-site, there are certain labs that do 'Petroleum fingerprinting,' which is as much an art as a science, however, these specific labs try and discover what additives are in the groundwater contamination and compare these additives to what different fuel marketers are using. This can sometimes be used to provide evidence against another party during petroleum contamination disputes.

I will be in touch soon.

Thanks,
Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"

<sue@rhsmith.com

> To

Carlo Bertani/R10/USEPA/US@EPA

08/26/2009 03:23 cc

PM

Subject

Re: Toppenish

Please respond

to

sue@rhsmith.com

Carlo, we augered down at least 3' below the (2) dispenser piping and found nothing detectable by nose. Samples will be sent to the lab. The guy was not prepared to take samples from the wells today, but said he will be in the area next week if we want it done then. So now what?

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106
From: Bertani.Carlo@epamail.epa.gov
To: sue@rhsmith.com
Sent: Mon, 24 Aug 2009 09:51:08 -0700
Subject: Re: Toppenish

Hi Sue,

Thanks for keeping me in the loop. Let me know what the results are.

Thanks,
Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"
<sue@rhsmith.com>
> To
Carlo Bertani/R10/USEPA/US@EPA
08/21/2009 03:09 cc
PM
Subject
Toppenish
Please respond

to

sue@rhsmith.com

Hi Carlo - I talked with Mike Chun of AEG about the drilling dilemma and

he says they have a hand auger that is powered(?) that can angle under the dispensers and it has a 12' rod on it. They will collect samples, but will have a detector onsite too. So, they are planning on testing at the site on Wed. next week and I am hoping to be there too.

Sue Smith

R.H. Smith Distributing Co., Inc.

509-882-3377 x106



Carlo Bertani /R10/USEPA/US
08/20/2009 04:25 PM

To Carlo Bertani/R10/USEPA/US@EPA
cc
bcc Rob Rau/R10/USEPA/US; Philip
Nenninger/R10/USEPA/US@EPA
Subject Re: Toppenish

Hi Sue,

It was good to talk with you this afternoon to discuss the Smitty's Conoco site. After talking with some on staff geologists, they recommend that you use a geoprobe for soil borings in and around the dispensers. Additionally, it may be necessary to first cut the concrete with a saw and dig by hand in order to avoid any fuel piping or electrical conduit, which is a slow and painful activity, but sometimes necessary.

Please keep me in the loop on the results of the soil sampling and when the groundwater monitoring wells will be tested.

Take care,
Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

Carlo Bertani Thanks Sue, let me know how the meeting went...

08/13/2009 08:40:57 AM



Carlo Bertani /R10/USEPA/US
08/13/2009 08:40 AM

To sue@rhsmith.com
cc
Subject Re: Toppenish

Thanks Sue, let me know how the meeting went and what your schedule looks like.

Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith" I agree, Carlo, and I'd like to see if this dispense...

08/11/2009 02:22:45 PM



Carlo Bertani /R10/USEPA/US

08/13/2009 08:40 AM

To sue@rhsmith.com

cc

bcc

Subject Re: Toppenish

Thanks Sue, let me know how the meeting went and what your schedule looks like.

Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"

I agree, Carlo, and I'd like to see if this dispense...

08/11/2009 02:22:45 PM



"Sue Smith"

<sue@rhsmith.com>

08/11/2009 02:24 PM

Please respond to
sue@rhsmith.com

To Carlo Bertani/R10/USEPA/US@EPA

cc

Subject Re: Toppenish

I agree, Carlo, and I'd like to see if this dispenser has been contributing to the contamination. January was the first time, however, that a test has ever detected a leak in any of our tanks or lines, so we have been reluctant to accept responsibility for an ongoing leak. The board is meeting today and Toppenish is on the agenda. I forwarded your email to them, so I expect this project to move up on the "list". I will let you know.

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106

From: Bertani.Carlo@epamail.epa.gov

To: sue@rhsmith.com

Cc: Nenninger.Philip@epamail.epa.gov, Rau.Rob@epamail.epa.gov

Sent: Mon, 10 Aug 2009 17:17:20 -0700

Subject: Re: Toppenish

Hi Sue,

Thanks for the update. I would like to be able to sit back and know that this project is high on your list, but I do not believe that to be the

case. There have been numerous delays at this site over the past four years in regards to an expedited remediation schedule, and my patience is being compromised. When I first spoke with you on-site, on January 20, 2009, you believed that there was an undocumented fuel spill across the street that was contributing to the high levels of contamination at Smitty's Conoco. I was willing to give you the benefit of the doubt on this claim, but there is now conclusive evidence that Smitty's Conoco is contributing to the petroleum contamination on-site through leaking piping and an associated dispenser.

According to your Corrective Action Plan, procured by White Shield on October 3, 2008, RH Distribution was to have completed the soil vapor survey, perform an alternatives generation and benefits study, and determine of the extent of contamination by the end of January of 2009; however, due to unknown future use of the site, this was not completed.

At this point, EPA needs a definitive schedule as to when your contractors are mobilizing on-site, removing the dispenser, performing a site assessment and clean-up action as necessary. If you not provide a scheduled date by September 1, 2009, EPA can aid in this process by issuing a Corrective Action Order. I am hoping that we will not have to get to that point, but this work must be done so the site can be characterized and cleaned up.

Thank you for your attention to this matter. Please contact me if you have any questions or need any clarification.

Sincerely,

Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"

<sue@rhsmith.com

> To

Carlo Bertani/R10/USEPA/US@EPA
08/10/2009 02:23 cc
PM Doug <doug@rhsmith.com>, "Rod
Smith" <rod@rhsmith.com>, "Rick
Smith" <rick@rhsmith.com>, "Eddie
Please respond Herrera" <eddie@rhsmith.com>
to Subject
sue@rhsmith.com Re: Toppenish

Hi Carlo,
Yes, we are planning to take the dispenser off and sample underneath.
Our problem is that our "crew" is spread out on so many other projects
that I really don't know when that will happen. Summer is so very busy
for them and everyone wants everything done yesterday! I would hope
that we can get in there by October. I should also tell you that I have
replaced White Shield with another consultant out of Olympia called
"Associated Environmental Group". They are doing some other work for us
and will coordinate a trip to sample when we are ready. In the
meantime, the tank and associated lines are not being used

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106
From: Bertani.Carlo@epamail.epa.gov
To: sue@rhsmith.com
Sent: Mon, 10 Aug 2009 13:58:55 -0700
Subject: Re: Toppenish

Hi Sue,

I hope all is well. I was wondering how things are going out at
Smitty's
Conoco? Any plans to remove the dispensers and conduct some sampling?

Thanks,

Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit : UST/LUST Program
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"

[<sue@rhsmith.com](mailto:sue@rhsmith.com)

> To

Carlo Bertani/R10/USEPA/US@EPA

06/04/2009 03:19 cc

PM

Subject

Re: Toppenish

Please respond

to

sue@rhsmith.com

Hi Carlo - being gone 2 1/2 weeks sounds great! I don't know when we will be able to get under the dispenser. Everyone wants our crew everywhere yesterday! It's on the list. When we do, I think I will be working with a new environmental company. We started working with Associated Environmental Group (AEG) out of Olympia on some other projects and they have offered to help us out on this one too. For now, it means sampling under the dispenser and then we'll plan from there. I will let you know as soon as I know when that will happen.

Sue Smith

R.H. Smith Distributing Co., Inc.

509-882-3377 x106

From: Bertani.Carlo@epamail.epa.gov

To: sue@rhsmith.com
Cc: Nenninger.Philip@epamail.epa.gov, Rau.Rob@epamail.epa.gov
Sent: Thu, 04 Jun 2009 10:39:54 -0700
Subject: Re: Toppenish

Hi Sue,

Sorry I am just now getting back to you, I have been out on vacation the past 2 1/2 weeks. Thanks for the update and performing the helium isolation test. Do you have a scheduled time set to pull the dispenser and check for contamination?

Thanks,

Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Groundwater Unit
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"

[<sue@rhsmith.com>](mailto:sue@rhsmith.com)

> To

Carlo Bertani/R10/USEPA/US@EPA

05/19/2009 12:05 cc

PM "Stuart Frické"

[<sfricke@whiteshield.com>](mailto:sfricke@whiteshield.com), "Dave

Polivka"

Please respond [<dpolivka@whiteshield.com>](mailto:dpolivka@whiteshield.com),

to rod@rhsmith.com

sue@rhsmith.com Subject

Toppenish

Carlo,

We completed the helium testing yesterday and I was there for the whole thing. The technician started under the dispenser closest to the front door and got a hit of .02 (minute). He then checked the other dispenser and turbine area and drilled many holes and got nothing. He went back after about an hour of the helium being the line and got .03 under the same dispenser. Ed Herrera (our head of maintenance) thinks the dispenser was tweaked after one of several yankings from drivers leaving

the nozzle in the car and trying to drive away. We plan to pull the dispenser and fix whatever is causing the leak(?) and put the line back in service for the summer.

We discussed this site again the other day and we do not want to put the

money into the equipment it needs to continue selling fuel, therefore, we do want to dismantle the whole thing including the tanks and canopy, hopefully this fall. I am really still at a loss as to how we can be contributing to the contamination under this site, but we'll find out more when we pull the dispenser.

Sue Smith

R.H. Smith Distributing Co., Inc.

509-882-3377 x106



"Sue Smith"
<sue@rhsmith.com>

05/12/2009 01:58 PM

Please respond to
sue@rhsmith.com

To Carlo Bertani/R10/USEPA/US@EPA

cc

bcc

Subject Toppenish

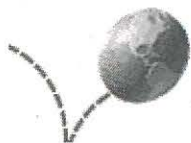
History:

✉ This message has been replied to.

Carlo,

I have ordered a helium test to find the leak in the line and it is scheduled for May 22 at this time. Depending on the outcome of that test, I want to open up at least that area and dig around to see how much damage has been done and to determine if that might have been our culprit all along, just not big enough to show up in a tightness test. The "opening up" would not happen until the next week because of the holiday weekend and White Shield plans to be there when we do. I will try to keep you apprised of the situation.

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106



Carlo Bertani /R10/USEPA/US

04/28/2009 12:37 PM

To sue@rhsmith.com

cc Rob Rau/R10/USEPA/US, Philip
Nenninger/R10/USEPA/US@EPA

bcc

Subject Smitty's Conoco....

Hi Sue,

Thanks for getting back to me about the site. The options for Smitty's Conoco are as follows:

- **If you terminate gasoline sales**, while excavating the underground storage tanks (USTs), you could easily remove the source of contamination, petroleum contaminated soil (PCS), in addition to the dispensers, piping, etc. It is possible that after removing the PCS, that biannual groundwater monitoring (as is currently in place) would be the only additional form of remediation needed to render the site clean under Washington State Model Toxics Control Act (MTCA) A levels. Once these levels of contamination have been reached, RH Distribution would receive a clean bill of health from EPA for the property.
- **If you lease out the site to the current store manager**, then the Corrective Action Plan (CAP) developed by White Shield on October 3, 2008 will be followed, and a soil vapor survey will need to be completed as soon as possible. The CAP stated that the soil vapor survey was to be finalized by March of 2009, and White Shield is waiting on RH Distribution to make a determination on the future of Smitty's Conoco prior to mobilizing on-site to conduct the survey. After the soil vapor survey is completed, then additional active remediation on-site would take place, as is documented in the CAP.
- Additionally, it is possible that fully implementing the CAP may not produce satisfactory results in reducing petroleum contamination on-site. EPA has doubts about this proposed method because it does not specifically address the main source of contamination: PCS. In my experience with sites similar to this, the only way to properly remediate the contamination is to remove the source. This is not to state that the CAP will provide lackluster results, but it is a possibility; and we might end up being in a similar position several years from now (discussing options for remediation).

The goal from my end is to clean up the petroleum contamination on-site as to protect human health and the environment. Smitty's Conoco has been a confirmed leaking underground storage tank site for five years now, and in order to properly remediate the contamination, these steps must be taken.

If you have any questions, or need any clarification, please do not hesitate to contact me.

Thanks,
Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Ground Water Unit
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov



"Sue Smith"
<sue@rhsmith.com>

04/28/2009 10:08 AM

Please respond to
sue@rhsmith.com

To Carlo Bertani/R10/USEPA/US@EPA

cc

bcc

Subject Re: Smitty's Conoco.....

History:

This message has been replied to and forwarded.

Hi Carlo - I am still trying to get rid of gas sales at Toppenish and now the manager is talking about leasing the place from us and we would pay her to pump gas. If we she does, then we need to do the vapor testing or drilling on the lot next door? I'm sorry, I've lost track of this site.

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106

From: Bertani.Carlo@epamail.epa.gov
To: sue@rhsmith.com
Cc: Rau.Rob@epamail.epa.gov, Nenninger.Philip@epamail.epa.gov
Sent: Wed, 22 Apr 2009 15:11:10 -0800
Subject: Smitty's Conoco.....

Hi Sue,

I hope all is well. I am writing in regards to obtaining the current status of activity at Smitty's Conoco in Toppenish. According to the 'Corrective Action Plan' developed by White Shield on October 3, 2008 for the Leaking Underground Storage Tank remediation on-site, continual groundwater monitoring at six month intervals and a soil vapor should have been completed by March of 2009.

I am aware that RH Distribution is still deciding what they would like to do with this particular site; however, EPA needs to know what the future plans for the site are. Also, has the status of UST #1 changed?

Thank you for your help with this matter, I appreciate it.

Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Ground Water Unit
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101

206-553-0702

bertani.carlo@epa.gov



Carlo Bertani/R10/USEPA/US

02/11/2009 05:13 PM

To sue@rhsmith.com

cc

bcc

Subject Re: Toppenish

Hi Sue,

I agree that the EPA website is a difficult place to find information when you need specifics. They are working on updating everything, but with budget cuts the past decade, it has been a constant work in progress. The information form you need is found here:

<http://www.epa.gov/oust/fedlaws/notify2008.pdf>

The timeline for notification to EPA of an underground storage tank closure is thirty days, but since I was on-site and observed the testing activities and we have remained in routine contact about the closure; I am willing to push that deadline back. All that needs to be done is for you to fill out the form and send it to me, my address and contact information is listed below. Just make sure to include the suite number and the mail stop code, which is (OCE-082).

In the future, if you need any forms or information that can be found on the EPA website, do not hesitate to ask me.

Take care, and I will talk with you soon.

Cheers,
Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Ground Water Unit
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith" <sue@rhsmith.com>



"Sue Smith"
<sue@rhsmith.com>

02/11/2009 12:46 PM

Please respond to
sue@rhsmith.com

To Carlo Bertani/R10/USEPA/US@EPA

cc

Subject Re: Toppenish

Hi Carlo,

I am trying to finish up this notification and it calls for info on the actual final closure. What are the timelines again for notification and for closing permanently? BTW - the EPA website is TERRIBLE for finding forms. I tried to find this one again and I gave up. If you could send me

a link or info that would be great.
Thanks,

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106

From: Bertani.Carlo@epamail.epa.gov
To: sue@rhsmith.com
Sent: Thu, 29 Jan 2009 14:44:57 -0800
Subject: Re: Toppenish

Sue,

Great, thank you.

Carlo,

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Ground Water Unit
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"
<sue@rhsmith.com>
> To
Carlo Bertani/R10/USEPA/US@EPA
01/29/2009 02:00 cc
PM
Subject
Re: Toppenish
Please respond
to
sue@rhsmith.com

Hi Carlo,

We have already transferred the contents to the other unleaded tank. I will probably be filing the temporary closure form next week.

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106
From: Bertani.Carlo@epamail.epa.gov
To: sue@rhsmith.com
Cc: rau.rob@epa.gov, Bender.Todd@epamail.epa.gov
Sent: Thu, 29 Jan 2009 13:11:33 -0800
Subject: Re: Toppenish

Hi Sue,

Sorry I am just now getting back to you, I have been out of the office on inspections since Monday afternoon. In regards to your question on 'what's next,' after the failed line tightness test (LTT), there are several options at your site:

- Utilize a helium isolation test to determine the exact location of the leaking line, and repair what is necessary, or, replace the entire leaky piping system for UST #1.
- You could also try to prove that the failed Line Tightness Test (LTT) was an error by doing an additional assessment (the helium test perhaps), which doesn't confirm the failure result. If the follow-up helium test confirms that there is not a leaking line, than the original LTT will be superseded, and no follow-up action would be necessary.
- If the before mentioned options are not completed, you must pump out as much of the petroleum in the tank as is necessary to prevent further release into the environment (CFR 40 Part 280.62(a)(1)). This is done to prevent anyone from pumping fuel out of the UST. As we both know, there is a possibility of a customer picking up the handle and pumping fuel out of a dispenser that is clearly marked as 'do not use.'
- The regulations state that within 45 days from the failed test (March 6, 2009), the UST must either be pumped dry and a Temporary Out of Use

(TOU) form submitted to EPA, the UST piping be repaired, or the UST be permanently taken out of use and a form submitted to EPA to confirm the closure status of the UST (CFR 40 Part 280.63 (b)).

This is a complex site due to its current LUST status, the condition of the UST's and associated piping, and the hydrogeologic conditions in the

Toppenish area. The best way to mitigate the issues on-site would be to remove the UST's, associated piping, and remove the petroleum contaminated soil (PCS), which is the active source contributing to the high levels of petroleum contamination in the ground water monitoring wells. This would require complete closure of the site until the contaminated soil is removed, and without removing the PCS, we will likely continue to see high levels of petroleum contamination in the ground water monitoring wells in the future.

Please do not hesitate to contact me if you have any questions.

Thanks,

Carlo

Carlo Bertani

U.S. EPA Region 10

Office of Compliance and Enforcement

Ground Water Unit

1200 6th Ave, Suite 900, OCE-082

Seattle, WA 98101

206-553-0702

bertani.carlo@epa.gov

"Sue Smith"

<sue@rhsmith.com

> To

Carlo Bertani/R10/USEPA/US@EPA

01/26/2009 12:05 cc

PM

Subject

Re: Toppenish

Please respond

to

sue@rhsmith.com

Hi Carlo - as soon as I found out about the failure I took that tank and associated lines and dispensers out of service. At this time we are holding off on the expense of a helium test because, as you know, we don't know how much longer the store will remain open. We are still selling unleaded out of the 2nd tank and super from the 3rd. What are your thoughts?

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106
From: Bertani.Carlo@epamail.epa.gov
To: sue@rhsmith.com
Sent: Mon, 26 Jan 2009 11:25:12 -0800
Subject: Re: Toppenish

Hi Sue,

I hope all is well. I am writing to follow-up on last week's line tightness test that was conducted by NW Tank. I am wondering if the helium isolation test has been conducted to determine the location of the line leak on tank #1, and if so, what repair has been completed to mitigate the leaky line?

Thank you for your time,
Carlo

Carlo Bertani
U.S. EPA Region 10
Office of Compliance and Enforcement
Ground Water Unit
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
bertani.carlo@epa.gov

"Sue Smith"

<sue@rhsmith.com

> To

Carlo Bertani/R10/USEPA/US@EPA

01/15/2009 12:54 cc

PM

Subject

Re: Toppenish

Please respond

to

sue@rhsmith.com

OK:

Sue Smith

R.H. Smith Distributing Co., Inc.

509-882-3377 x106.

From: Bertani.Carlo@epamail.epa.gov

To: sue@rhsmith.com

Sent: Thu, 15 Jan 2009 12:40:13 -0800

Subject: Re: Toppenish

Sue,

Rob Rau and I had a meeting with both Dave and John here in Seattle during November, and went over the site with great detail. If Stuart would like to come out to discuss the site, I would invite the opportunity, but I do not feel that it is a necessity. The main reason that I want to come out is to observe the tank testing and see the results first hand.

Cheers,

Carlo

Carlo Bertani

U.S. EPA Region 10
Office of Compliance and Enforcement
Ground Water Unit
1200 6th Ave, Suite 900, OCE-082
Seattle, WA 98101
206-553-0702
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"Sue Smith"
<sue@rhsmith.com>
> To
Carlo Bertani/R10/USEPA/US@EPA
01/15/2009 10:56 cc
AM
Subject
Re: Toppenish
Please respond
to
sue@rhsmith.com

Would you like Stuart Fricke of White Shield to be there to discuss things, or you just want to see how the testing is done?

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106
From: Bertani.Carlo@epamail.epa.gov
To: sue@rhsmith.com
Sent: Thu, 15 Jan 2009 08:45:04 -0800
Subject: Re: Toppenish

Hi Sue,

Just FYI: The earliest that I will be able to pick up a vehicle from our

Seattle office on Tuesday morning is 7 AM, which should put us in
Toppenish around 10-10:30. This is due to the holiday on Monday.

Cheers,
Carlo

Carlo Bertani
U.S. EPA Region 10
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"Sue Smith"
<sue@rhsmith.com>
> To
Carlo Bertani/R10/USEPA/US@EPA
01/14/2009 01:17 cc
PM
Subject
Toppenish
Please respond
to
sue@rhsmith.com

Now we are back to Tuesday at 9 a.m. They are sorry about the confusion
and changes. I do plan on coming up but probably not by 9, if that is
when they are going to start setting up. My cell # is 509-439-9116 if
you need to contact me that morning.

Sue Smith
R.H. Smith Distributing Co., Inc.
509-882-3377 x106

Rob Rau/R10/USEPA/US

07/15/2008 04:35 PM

To dpolivka@whiteshield.com

cc

bcc Carlo Bertani/R10/USEPA/US@EPA; Rob
Rau/R10/USEPA/US@EPA

Subject Smitty's Conoco (pik-a-pop), EPA ID# 4-260087

Hi Dave:

I just wanted to follow up on the status of the above referenced site. My name is Rob Rau, an Indian Lands LUST site manager at EPA R10 in Seattle. As you are probably aware, Mike Shepherd retired from EPA several months ago, and I am following up on some loose ends regarding his sites on the Yakama Reservation. Based on my conversations with Mike before he left, I understand that White Shield was doing some vapor monitoring and an ORC pilot test at the Pik-a-Pop site, and that you were going to prepare a corrective action plan, or a similar document, for our review. If you can let me know what the current status of this site is, along with any planned future work, that would be great.

Also, we currently have two other open sites located on the Yakama that I believe had White Shield involvement. These are: 1) Inland Fruit & Produce (EPA ID# 4-260120), and, 2) BIA Branch of Roads (EPA ID# 4-260117). It is my understanding that the Inland Fruit & Produce site is currently in the final throws of groundwater monitoring and may be ready for closure, but I'm not sure. For the Branch of Roads site, I understand that the BIA retained White Shield to conduct a site assessment, but somewhere along the line, the report was lost. We do not have a copy of the report here at EPA, and there is no copy on file at the BIA Yakama Agency. I believe that Mike had discussed this issue with you as well, or perhaps it was someone else at White Shield. At any rate, if you can bring me up to speed on these two other sites, and perhaps provide a copy of the Branch of Roads Site Assessment Report, that would be much appreciated.

Thanks very much. If you have any questions, please give me a call.

Rob

Robert Rau
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